

**EXHIBIT 1**

# UNITED STATES DISTRICT COURT

San Jose, California  
Northern District of California

JOHN W. HARRIS, JR. ET AL.

JOHN W. HARRIS, JR. ET AL.

Case No. 13-cv-00001

Case No. 13-cv-00001

Case No. 13-cv-00001

## SUBPOENA TO TESTIFY AT DEPOSITION OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION

JOHN W. HARRIS, JR. ET AL. SAN JOSE, CA 95120

YOU ARE COMMANDED to appear at the time, date, and place set forth herein for the purpose of testifying at a deposition or producing documents in a civil action. If you are an organization that has a party in this case, you must designate a person to appear in person, or designate other persons who consent to testify on behalf of the organization, or those who work in an organization.

Case No. 13-cv-00001	Date and Time
Case No. 13-cv-00001	10/12/2013 10:00

Witnessed by Notary Public, Notary Public and Video

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**EXHIBIT 2**

◆  
**Marquiz Law Office**  
Professional Corporation  
◆

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Date: October 3, 2013

Fax to: Jacob A. Reynolds, Esq. 702.385.2086  
Sid Leach, Esq. 602.382.6070

From: Craig A. Marquiz, Esq.

Pages: 3 (Including Cover Page)

Regarding: HGN v. Piche et al.

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is **PRIVILEGED, CONFIDENTIAL** and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and return the original to us by mail without making a copy. Thank you.

◆  
**Marquiz Law Office**  
Professional Corporation  
◆

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October 3, 2013

Jacob A. Reynolds, Esq.  
Hutchison & Steffen, LLC  
10080 West Alta Dr., Ste. 200  
Las Vegas, NV 89145

Re: HGN v. Piche et al.

Dear Jacob:

Plaintiffs respectfully request that the CWC Defendants voluntarily quash the subpoena duces tecum issued to Chris Beall and vacate the unilaterally-noticed deposition (scheduling Mr. Beall's record production and examination for October 22, 2013 in San Jose, CA).

As an initial matter, the CWC Defendants have improperly served Plaintiff's expert, Chris Beall, with a subpoena duces tecum (issued from the United States District Court for the Northern District of California) and issued a Notice of Deposition seeking his testimony and production of documents. The governing scheduling order in this case set a discovery cut-off which expired long ago. In your recent letter, dated October 2, 2013, you asserted that judgment had been entered in this case, which would mean that there is no action pending to support the issuance of a subpoena in any event, even if it was not prohibited by the Court's Rule 16 Scheduling Order. See Fed.R.Civ.P. 16(b)(4) ("[a] schedule may be modified only for good cause and with the judge's consent"); 16(f)(1)(C) ("the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney ... fails to obey a scheduling or other pretrial order").

Further, since the subpoena served on Mr. Beall was issued from the Northern District of California, it is subject to the Local Rules of the Northern District of California. The deposition notice violates Local Rule 37-3 of the Northern District of California, and the subpoena issued from that court is unenforceable because you did not first obtain an order from the Northern District of California allowing such a deposition for good

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3088 Via Flaminia Court, Henderson, NV 89052  
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MarquizLaw@cox.net

Jacob A. Reynolds, Esq.  
October 3, 2013  
Page 2

cause shown. Local Rule 37-3 ("Discovery requests that call for responses or depositions after the applicable discovery cut-off are not enforceable, except by order of the Court for good cause shown."). The unilaterally-noticed deposition also violates Local Rule 30-1 of the Northern District of California. Local Rule 30-1 ("before noticing a deposition of a party or witness affiliated with a party, the noticing party must confer about the scheduling of the deposition with opposing counsel").

If you have any questions or wish to discuss, please call me. If not, I look forward to receiving written confirmation from the CWC Defendants' withdrawing the subpoena and cancelling the unilaterally-noticed deposition.

Sincerely,

A handwritten signature in black ink that reads "Craig Marquiz". The signature is written in a cursive, flowing style.

Craig A. Marquiz, Esq.

**EXHIBIT 3**



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LAS VEGAS, NEVADA 89145  
702.385.2500  
FAX 702.385.2086  
HUTCHLEGAL.COM

JACOB A. REYNOLDS  
ATTORNEY  
JREYNOLDS@HUTCHLEGAL.COM

OUR FILE NO.: 3672-001

November 1, 2013

**Via Email and U.S. Mail**

Craig A. Marquiz, Esq.  
MARQUIZ LAW OFFICE  
3088 Via Flaminia Court  
Henderson, NV 89052

Sid Leach, Esq.  
SNELL & WILMER L.L.P.  
One Arizona Center  
400 East Van Buren  
Phoenix, AZ 85004-2202

**Re: Home Gambling Network, Inc., et al. v. Chris Piche, et al.  
Deposition of Chris Beall.**

Dear Mr. Marquiz and Mr. Leach:

This letter follows up on my attempts to discuss with you your objections to the post-judgment deposition of Chris Beall. Enclosed as Exhibit A to this letter is your letter of objection dated October 3, 2013. I have tried to communicate with you about these objections without success, though we did, as a professional courtesy, continue the deposition based upon your objections in hopes of discussing them. Having received no further response in this regard, this letter is the final attempt to resolve the matter before we file a motion under LR 7-5 or LR 26-7.

Your two objections to Chris Beall's deposition were: (1) this case has closed and therefore the deposition would occur after discovery has closed; and (2) defendants failed to consult with plaintiffs prior to setting the deposition.

Taking the latter first, defendants have tried to consult with plaintiffs regarding alternative dates but have been met with silence. We ask you to give us alternative dates that you would be available for the deposition amongst the following: November 25-26, or December 2-



**HUTCHISON & STEFFEN**  
A PROFESSIONAL L.L.C.

Craig A. Marquiz, Esq.

Sid Leach, Esq.

November 1, 2013

Page 2

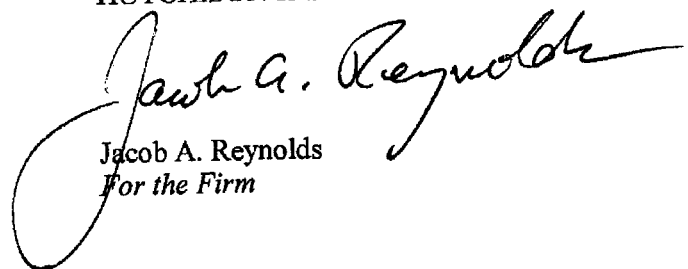
14 to attend this deposition. If we do not receive alternative dates by November 6, then we will set the date we see fit.

So you understand, you cannot defend the deposition of Chris Beall as there would be an inherent conflict of interest in this instance. This conflict is also relevant to your second objection regarding the deposition occurring beyond the discovery deadline. By its nature, Chris Beall's deposition does not go to the merits of the case. Rather, Chris Beall's deposition is being taken to investigate further the propriety of a motion under 28 U.S.C. § 1927 for fees and costs against the attorneys themselves, which is explicitly exempted from the regular attorney fee motion time limits by FRCP 54(d)(2)(E). Rather than making a 1927 motion without this testimony, defendants seek further information in good faith to help determine the merit of such a motion. Defendants anticipate that Chris Beall's testimony would be helpful in either further establishing the merit of a § 1927 claim, or convincing us not to file such a motion. As such, the deposition is sought in good faith, for good cause, and is timely.

Given the nature of the deposition, you obviously cannot represent Chris Beall. You as well may desire to have separate counsel at the deposition in this regard. In any case, please let us know by November 6, 2013, whether you maintain your objection, or will allow the deposition to go forward without objection, so that we may act accordingly.

Sincerely,

HUTCHISON & STEFFEN



Jacob A. Reynolds  
For the Firm

JAR/bbp

Enclosure

**EXHIBIT 4**

UNITED STATES DISTRICT COURT

W.D.

Nevada District of Las Vegas

Civil Action No. 2:05-cv-00510-OAE-VCF

If the action is pending in another district, state where:  
District of Nevada

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at Las Vegas, Nevada, this 12th day of December, 2013.

For the Court, I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Court.

**EXHIBIT 5**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

HOME GAMBLING NETWORK, INC., et al.,	)	
	)	
Plaintiff,	)	
	)	2:05-cv-00610-KJD-LRL
v.	)	
	)	<b>DISCOVERY PLAN and</b>
CHRIS PICHE, et al.,	)	<b>SCHEDULING ORDER</b>
	)	
Defendants.	)	

The court has considered plaintiffs' and defendants' proposed Discovery Plans and Scheduling Orders (#118 and #115, respectively). The court believes that the phased discovery plan proposed by defendants best serves the interests of litigation efficiency and cost savings. Accordingly, the following discovery plan and scheduling order<sup>1</sup> shall govern these proceedings:

I. Phase I

A. Initial Disclosures	November 24, 2006
B. Prior Art Disclosures	January 19, 2007

II. Phase II

A. Commence Liability Fact Discovery	January 22, 2007
B. Exchange Patent Claim Terms	February 23, 2007
C. Exchange of Preliminary Claim Constructions and Extrinsic Evidence	March 23, 2007
D. Submit Joint Claim Construction Statement	April 20, 2007
E. Initial Claim Construction Briefs	June 1, 2007

<sup>1</sup> To the extent applicable, the discovery plan in this case is intended to be conceptually compatible with the Patent Local Rules in effect in the Northern District of California.

1 F. Answering Claim Construction Briefs

June 29, 2007

2 G. Markman Hearing, on or after

July 27, 2007

3 H. Close of Liability Fact Discovery

August 17, 2007

4 **III. Phase III**

5 A. Upon the entry of an Order construing the patent claim terms in dispute (the "Order Date"):

- 6 1. Within 30 days of the Order Date, the parties shall  
7 exchange expert reports pursuant to Fed.R.Civ.P.  
8 26(a)(2) on liability issues on which they bear the burden  
9 of proof;  
10 2. Within 60 days of the Order Date, the parties shall  
11 exchange rebuttal expert reports;  
12 3. Within 120 days of the Order Date, expert discovery on  
13 liability issues shall close;  
14 4. Within 160 days of the Order Date, all dispositive  
15 motions directed to liability issues shall be filed.  
16 Briefing shall be in accordance with LR 7-2.

12 **B. Discovery Limitations**

- 13 1. Each party may serve a maximum of 65 document requests;  
14 2. Each party may serve a maximum of 50 requests for admissions; and  
15 3. The deposition of plaintiff Melvin Molnick may be taken for up to 21 hours.

16 **IT IS SO ORDERED.**

17 **DATED this 10<sup>th</sup> day of October, 2006.**

18 

19 **LAWRENCE R. LEAVITT**  
20 **UNITED STATES MAGISTRATE JUDGE**

**EXHIBIT 6**

1 **Marquiz Law Office**

2 Professional Corporation

3 3088 Via Flaminia Court

4 Henderson, NV 89052

5 Phone: (702) 263-5533

6 Fax: (702) 263-5532

7 Craig A. Marquiz, Esq.

8 NV Bar #7437

9 Attorney for Plaintiffs

10 **Snell & Wilmer LLP**

11 One Arizona Center

12 400 E. Van Buren Ave.

13 Phoenix, AZ 85004-2202

14 Sid Leach, Esq.

15 Pro Hac Vice

16 Attorney for  
17 Plaintiffs/Counterdefendants

18 **IN THE UNITED STATES DISTRICT COURT**

19 **IN AND FOR THE DISTRICT OF NEVADA**

20 HOME GAMBLING NETWORK, INC, a  
21 Nevada corporation; MEL MOLNICK, an  
22 individual

23 Plaintiffs,

24 vs.

25 CHRIS PICHE and JANE DOE PICHE,  
26 husband and wife; ADAM ANHANG, a  
single man; EYEBALL NETWORK, INC.,  
an unlicensed Canadian venture d/b/a  
EYEBALL NETWORK GAMES, INC.;  
INVERSIONES VC DOS MIL S.A. a  
Costa Rican corporation d/b/a  
CASINOWEB CAM,  
CASINOWEB CAM.COM,  
CASINOWEB CAM.COM INC., CWC  
GAMING, CWCGAMING.COM, and  
CWCGAMING.COM INC.

Defendants.

Case No. CV-S-05-0610-DAE (LRL)

**STIPULATION TO MODIFY  
DISCOVERY PLAN AND  
SCHEDULING ORDER**

(First Request)



1           Whereas the Court recently addressed the motion for summary judgment  
2 brought by Inversiones VC Dos Mil S.A., Chris Piche and Eyeball Networks, Inc.  
3 (collectively CWC Defendants)<sup>1</sup> and Plaintiffs Mel Molnick and Home Gambling  
4 Network, Inc.'s dismissal without prejudice of the Sportingbet and World Gaming  
5 Defendants, the parties reasonably believe that the Claim Construction phase provided  
6 in the existing Discovery Plan and Scheduling Order (modeled after the California  
7 Patent Litigation approach) is no longer necessary. Accordingly, the parties hereby  
8 stipulate and agree to modify the Discovery Plan and Scheduling Order as follows:

9           I.     Discovery Cut-Off Dates. Discovery will take one hundred and eighty  
10 (180) days, measured from May 1, 2007. Thus, the discovery cut-off in this case is  
11 Sunday, October 28, 2007.

12           II.    Experts. Disclosure of experts shall proceed according to Fed. R. Civ. P.  
13 26(a)(2), except that: (i) the disclosure of experts and expert reports shall occur on  
14 Friday, September 28, 2007, which is thirty (30) days before the discovery cut-off date;  
15 and (ii) the disclosure of rebuttal experts and their reports shall occur on Saturday,  
16 October 13, 2007, which is fifteen (15) days before the discovery cut-off date.

17           III.   Other Items.

18           a.     Amending the Pleadings and Adding Parties. The parties shall  
19 have until Saturday, July 28, 2007 to file any motions to amend the pleadings or add  
20 parties. This is ninety-two (92) days before the discovery cut-off date and does not  
21  
22

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23           <sup>1</sup>     The Court denied the CWC Defendants motion as to Counts One (Patent  
24 Infringement), Count Five (Breach of Contract), Count Four (Accounting), Count Three  
25 (Preliminary & Permanent Injunction) and Count Six (Intentional Interference), and  
26 granted same as to Court Two (Declaratory Judgment) and Count Seven (Conversion).  
See Order (Doc. No. 143).

1 exceed the outside limit LR 26-1(e)(2) presumptively sets of ninety (90) days before the  
2 discovery cut-off date for filing such motions.

3           b. Interim Status Report. The parties shall file the interim status  
4 report required by LR 26-3 by Friday, August 24, 2007. Undersigned counsel certify  
5 that they have read LR 26-3 and that this date is no later than sixty (60) days before the  
6 discovery cut-off date.

7  
8           c. Dispositive Motions. The parties shall have until Tuesday,  
9 November 27, 2007 to file dispositive motions. This is thirty (30) days after the  
10 discovery cut-off date and does not exceed the outer limit of thirty (30) days following  
11 the cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.

12           d. Settlement. Settlement cannot be evaluated prior to the  
13 completion of discovery.

14           e. Later Appearing Parties. A copy of this discovery plan and  
15 scheduling order shall be served on any person served after it is entered or, if  
16 additional defendants should appear, within five (5) days of their first appearance. This  
17 discovery plan and scheduling order shall apply to such later-appearing parties, unless  
18 the Court, on motion and for good cause shown, orders otherwise.

19  
20           f. Extensions or Modifications of the Discovery Plan and Scheduling  
21 Order. LR 26-4 governs modifications or extensions of this discovery plan and  
22 scheduling order. Any stipulation or motion must be made not later than twenty (20)  
23 days before the discovery cut-off date and comply fully with LR 26-4.

24 ...  
25  
26

1 RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of May, 2007.

2  
3 **Marquiz Law Office**  
4 Professional Corporation

5 By: Craig Marquiz  
6 Craig A. Marquiz, Esq.  
7 3088 Via Flaminia Court  
8 Henderson, NV 89052  
9 Attorney for Plaintiffs

10 Lincoln, Gustafson & Cerpos

11 By: Nicholas B. Salerno  
12 Nicholas B. Salerno, Esq.  
13 Thomas R. Ryan, Esq.  
14 2300 West Sahara Ave., Ste. 300, Box 2  
15 Las Vegas, NV 89102  
16 Attorneys for Defendants

17 IT IS SO ORDERED.

18 DATED this 16th day of May, 2007.

19 L. R. Leavitt  
20 LAWRENCE R. LEAVITT  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26